

Appl. No. 10/668,932

Amdt. dated May 19, 2005

Request for continued examination following final office action of February 28, 2005

REMARKS

This amendment accompanies the filing of a REQUEST FOR CONTINUED EXAMINATION following a Final Office Action mailed February 28, 2005. The final office action rejected Applicant's Claims 1-4, 7-10, 13-17 and 19-21 as being anticipated by U.S. Pat. No. 6,115,667 ("Nakamura"). The Office Action rejected Claims 5, 6, 11, 12, 18 and 22-26 as obvious in view of combination of Nakamura and U.S. Pat. No. 6,477,459 ("Wunderlich").

With this response, Claims 1, 14 and 19 have been amended. Applicant respectfully requests the Examiner to reconsider the present application. Applicant submits that all pending claims are in condition for allowance.

Claim 1

Applicant's independent Claim 1 relates to a method of facilitating delivery of traffic messages. The method recites that the "broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment." The office action rejected independent Claim 1 and its depending claims under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The office action stated that Claim 1 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possessed of the claimed invention. Specifically, the office action stated that the limitation of "said broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment" is not supported by the specification.

Applicant submits that the patent application, as originally filed, contains subject matter in the specification that reasonably conveys to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. For example page 45 (lines 5-29) of the specification disclosed:

Because the central facility 26 may develop traffic messages 22 for a large geographic region 10, such as the continental United States of America, the central facility 26 formats the prioritized traffic data, and thus the traffic messages 22, for geographic location filtering at step 214 of Figure 11. In

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one embodiment, the central facility 26 defines broadcast service areas 218 in the geographic region 10 as shown in Figure 12. Each broadcast service area 218 contains a portion of the road network 12. Each broadcast service area 218 may cover different portions of the road network 12 or same portions of the road network. For example, one broadcast service area 218 may cover the Los Angeles metropolitan area, another broadcast service area 218 may cover the San Diego metropolitan area, and still another broadcast service area 218 may cover both the Los Angeles metropolitan area and the San Diego metropolitan area.

Additionally, page 5 (lines 20-25) of the specification disclosed:

The transmission equipment 28 provides for broadcasting the traffic messages 22 throughout the region 10. The transmission equipment 28 may be part of the traffic information broadcast system 20, or alternatively, the transmission equipment 28 may use equipment from other types of systems, such as ... satellite radio, FM radio stations, and so on, to broadcast traffic messages 22 to the vehicles 16 and non-vehicles 18 in the region.

These paragraphs of the specification show that the subject matter of "said broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment" is described in the specification in such a way as to reasonably convey to one skilled in the relevant art possession of the claimed invention. Specifically, the broadcast service area is described as covering the same or different portions of the road network (for example, one broadcast service area for Los Angeles, another broadcast service area for San Diego, and still another covering both Los Angeles and San Diego) which directly supports the above-identified claim element. If the broadcast service area was defined by a transmission area of a single broadcast equipment, as in Nakamura, the broadcast service areas could not be defined as recited by the specification with one broadcast service area for Los Angeles, another broadcast service area for San Diego, and still another covering both Los Angeles and San Diego.

Furthermore, the specification discloses that the transmission equipment used to broadcast the traffic messages may include satellite radio. The broadcast of traffic messages via satellite radio also provides support to the above-identified claim element because one of ordinary skill would understand that a single broadcast equipment (satellite) broadcasts traffic messages for a large geographic area including many broadcast service areas, such as metropolitan areas (San Diego, Los Angeles, San Francisco, and so on).

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Moreover, upon reading the specification, especially the above identified paragraphs, one of ordinary skill in the art would identify the advantages of the claimed invention with "said broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment" over the cited prior art of Nakamura. Namely, Nakamura discloses the opposite with the broadcast area being defined as the transmission area of the transmission tower with the identification code merely identifying the transmitting tower. (*see*, Nakamura: column 8, lines 44-47). Advantageously, since the broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment allows geographic location filtering of the traffic messages. For example, if the traffic messages are transmitted via satellite radio, the broadcasted traffic messages are for a large geographic area. Using the broadcast service area codes associated with the traffic messages, a user can filter the traffic messages to obtain the most geographically relevant messages without processing all of the messages.

Content not length is determinative of description adequacy. "Certainly no length requirement exists for a disclosure to adequately describe an invention. While some inventions require more disclosure, the adequacy of the description of an invention depends on its content in relation to the particular invention, not its length." In re Hayes Microcomputer Products Inc. Patent Litigation 984 F.2d at 1170-71, 25 USPQ2d at 1606 (Fed. Cir. 1992).

Reconsideration and withdrawal of the rejection of claims 1-26 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is respectfully requested.

Claim 14

Applicant's independent Claim 14 relates to a method of facilitating delivery of traffic messages. The method recites obtaining data indicating a plurality of traffic conditions on a road network, for each of the traffic conditions the data provides *a location reference code indicating a location on a road* of the traffic condition. The method further recites for each of the traffic conditions, using the location reference code to identify at

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least one of the broadcast service areas in which the traffic condition is located. Claim 14 is not anticipated by Nakamura because the reference fails to disclose or suggest every claim element recited by the claim.

Nakamura discloses a system for providing map data and traffic information to navigation systems mounted on a car. The Nakamura system has a transmitting station that transmits map data and traffic information for an area corresponding to a transmission area of the respective transmitting station. (*see*, Nakamura: column 5, lines 11-16). The broadcast signal of the Nakamura system includes an identification code for identifying the transmitting station. (*see*, Nakamura: column 8, lines 44-47). Although Nakamura discloses an identification code embedded in the map and traffic information broadcast, the identification code merely indicates the location of the traffic conditions in terms of a general area corresponding to the transmission area, not the recited more precise location on a road. The identification code of Nakamura cannot indicate a location on a road of the traffic condition. Thus, Nakamura fails to disclose or suggest the recited location reference code indicating a location on a road of the traffic condition.

Accordingly, because Nakamura fails to disclose or suggest all of the recited claim elements, Applicant's Claim 14 is not anticipated by Nakamura.

Claim 19

Applicant's independent Claim 19 relates to traffic message providing data indicating a traffic condition. The traffic message comprises a location reference code indicating a location on the road network of the traffic condition. For similar reasons as discussed above in conjunction with Claim 14, Nakamura fails to disclose or suggest the claim element of the location reference code indicating a location on a road network. Accordingly, because Nakamura fails to disclose or suggest all of the recited claim elements, Applicant's Claim 19 is not anticipated by Nakamura.

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Claims 2-13, 15-18 and 20-26

Applicant's dependent Claims 2-13, 15-18 and 20-26 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

Conclusion

With the present response, all the issues in the final office action mailed February 28, 2005 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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